

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SUSAN FOWLER,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

CASE NO. 3:22-cv-05661-TL

ORDER GRANTING PLAINTIFF'S
MOTION FOR EXTENSION OF TIME

This matter came before the Court on Plaintiff's Motion for Extension of Time to Submit Opening Brief. Dkt. No. 9.

Per the scheduling order issued by the Court for this case, Plaintiff was required to submit an opening brief by March 7, 2023. Dkt. No. 7. Plaintiff filed a motion on March 7, 2023, requesting that the Administrative Record ("AR") (Dkt. No. 6) be re-filed on ground that exhibits were missing from the AR. Dkt. No. 9 at 1. Plaintiff also requested that the scheduling order be amended so that Plaintiff will have thirty days after the AR is re-filed to submit the opening brief. *Id.*

On March 16, 2023, the Court ordered Plaintiff to show cause "why the AR should be re-filed with specific details of the items she believes are missing by no later than March 21, 2023." Dkt. No. 10. On March 19, 2023, Plaintiff responded by filing a one-page screenshot of the AR.

1 See Dkt. No 11. An explanation of the screenshot would have been helpful. Nevertheless, the
2 Court eventually was able to determine that Counsel was trying to demonstrate that one of the
3 attachments in the AR (*i.e.* Attachment 7) was restricted from viewing. *Id.* The Court assumes
4 Attachment 7 includes the exhibits Plaintiff believes are missing, and that Plaintiff could not
5 access them because the attachment is restricted.

6 Because the restriction on Attachment 7 has been removed, Defendant does not need to
7 re-file the AR. However, the Court reminds Counsel that pursuant to Local Civil Rule 7(j), a
8 motion for relief from a deadline should be filed sufficiently in advance of the deadline to allow
9 the court to rule on the motion prior to the deadline. It is unclear why Counsel waited until the
10 due date to alert the Court that it could not access the documents Plaintiff needed. Regardless,
11 because Plaintiff could not access Attachment 7 and its exhibits, the Court finds good reason to
12 GRANT Plaintiff's motion for extension of time (Dkt. No. 9) and amend the scheduling order. The
13 Court further cautions Counsel that any future responses to the Court's orders must be
14 accompanied by a written explanation.

15 The Court's scheduling order (Dkt. No. 7) for this case is hereby AMENDED as follows:

- 16 • Plaintiff's Opening Brief is due April 22, 2023
- 17 • Defendant's Response Brief is due May 22, 2023
- 18 • Plaintiff's Reply Brief is due June 5, 2023

19 Dated this 23rd day of March 2023.

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22 Tana Lin
23 United States District Judge